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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

ANTHONY FIATO, an individual,

Defendant.

Case No.: 2:10-cv-1246

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Anthony Fiato (“Mr. Fiato”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

FACTS

24. The Cosa Nostra Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

25. Righthaven is the owner of the copyright in and to the Cosa Nostra Work.

26. The Cosa Nostra Work was originally published on May 27, 2010.

27. On July 21, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007177938 (the “First Registration”) and attached hereto as Exhibit 6 is evidence of the First Registration in the form of a printout of the official USCO database record depicting the occurrence of the First Registration.

28. On or about May 27, 2010, Mr. Fiato displayed, and continues to display, the First Infringement on the Website.

29. Mr. Fiato replaced the Cosa Nostra Work’s original title: “It’s not your dad’s Cosa Nostra in Las Vegas anymore,” with a new title: “It’s not the traditional mafia, Cosa Nostra, in Las Vegas.”

30. The Kiosk Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

31. Righthaven is the owner of the copyright in and to the Kiosk Work.

32. The Kiosk Work was originally published on May 23, 2010.

33. On July 9, 2010, the USCO granted Righthaven the registration to the Kiosk Work, copyright registration number TX0007171961 (the “Second Registration”) and attached hereto as Exhibit 7 is evidence of the Second Registration in the form of a printout of the official USCO database record depicting the occurrence of the Second Registration.

34. On or about May 23, 2010, Mr. Fiato displayed, and continues to display, the Second Infringement on the Website.

35. Mr. Fiato replaced the Kiosk Work’s original title: “Four accused of extorting money from kiosk operators,” with a new title: “Israeli Mob linked to Ecstasy trafficking in Las Vegas.”

1 36. Mr. Fiato did not seek permission, in any manner, to reproduce, display, or
2 otherwise exploit the Works.

3 37. Mr. Fiato was not granted permission, in any manner, to reproduce, display, or
4 otherwise exploit the Works.

5
6 **FIRST CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT OF THE COSA**

7 **NOSTRA WORK**

8 38. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
9 37 above.

10 39. Righthaven holds the exclusive right to reproduce the Cosa Nostra Work,
11 pursuant to 17 U.S.C. § 106(1).

12 40. Righthaven holds the exclusive right to prepare derivative works based upon the
13 Cosa Nostra Work, pursuant to 17 U.S.C. § 106(2).

14 41. Righthaven holds the exclusive right to distribute copies of the Cosa Nostra
15 Work, pursuant to 17 U.S.C. § 106(3).

16 42. Righthaven holds the exclusive right to publicly display the Cosa Nostra Work,
17 pursuant to 17 U.S.C. § 106(5).

18 43. Mr. Fiato reproduced the Cosa Nostra Work in derogation of Righthaven's
19 exclusive rights under 17 U.S.C. § 106(1).

20 44. Mr. Fiato created an unauthorized derivative of the Cosa Nostra Work in
21 derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

22 45. Mr. Fiato distributed, and continues to distribute, an unauthorized reproduction of
23 the Cosa Nostra Work on the Website, in derogation of Righthaven's exclusive rights under 17
24 U.S.C. § 106(3).

25 46. Mr. Fiato publicly displayed, and continues to publicly display, an unauthorized
26 reproduction of the Cosa Nostra Work on the Website, in derogation of Righthaven's exclusive
27 rights under 17 U.S.C. § 106(5).
28

1 47. Mr. Fiato has willfully engaged in the copyright infringement of the Cosa Nostra
2 Work.

3 48. Mr. Fiato's acts as alleged herein, and the ongoing direct results of those acts,
4 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
5 cannot ascertain, leaving Righthaven with no adequate remedy at law.

6 49. Unless Mr. Fiato is preliminarily and permanently enjoined from further
7 infringement of the Cosa Nostra Work, Righthaven will be irreparably harmed, and Righthaven
8 is thus entitled to preliminary and permanent injunctive relief against further infringement by Mr.
9 Fiato of the Cosa Nostra Work, pursuant to 17 U.S.C. § 502.

10
11 **SECOND CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT OF THE**
12 **KIOSK WORK**

13 50. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
14 49 above.

15 51. Righthaven holds the exclusive right to reproduce the Kiosk Work, pursuant to 17
16 U.S.C. § 106(1).

17 52. Righthaven holds the exclusive right to prepare derivative works based upon the
18 Kiosk Work, pursuant to 17 U.S.C. § 106(2).

19 53. Righthaven holds the exclusive right to distribute copies of the Kiosk Work,
20 pursuant to 17 U.S.C. § 106(3).

21 54. Righthaven holds the exclusive right to publicly display the Kiosk Work, pursuant
22 to 17 U.S.C. § 106(5).

23 55. Mr. Fiato reproduced the Kiosk Work in derogation of Righthaven's exclusive
24 rights under 17 U.S.C. § 106(1).

25 56. Mr. Fiato created an unauthorized derivative of the Kiosk Work in derogation of
26 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom Mr. Fiato has communicated regarding Mr. Fiato's use of the Works; and

c. All financial evidence and documentation relating to Mr. Fiato's use of the Works;

3. Direct the current registrar, GoDaddy.com, Inc., and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Works, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this twenty-sixth day of July, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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